

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL ACTION NO. 5:09-CR-00049-KDB-DCK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID MARK LOWMAN,

Defendant.

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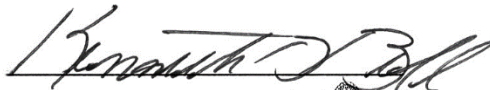
ORDER

THIS MATTER is before the Court on Defendant's pro se motion to correct inaccurate language in Defendant's Presentence Investigation Report. (Doc. No. 400).

Defendant was charged, pled guilty, and was sentenced in part under 18 U.S.C. § 924(c) for possession of a firearm in furtherance of drug trafficking. (Doc. No. 72: First Superseding Bill of Indictment; Doc. No. 259: Judgement). The revised final presentence investigation report accurately states the charges under 18 U.S.C. § 924(c), describing them as "Possession of a Firearm During and In Relation to a Crime of Violence or a Drug Trafficking Crime". (Doc. No. 247). The statute, in relevant part, imposes a minimum five year sentence for "any person who, during and in relation to any crime of violence or drug trafficking crime. . . uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm." 18 U.S.C. § 924(c)(1)(A). The descriptive language utilized by the indictment, presentence report, and judgement are consistent with the underlying offense.

IT IS THEREFORE ORDERED that Defendant's motion to to correct the language of the presentence investigation report is **DENIED**.

Signed: July 14, 2021


Kenneth D. Bell
United States District Judge 